IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 20636-M of 2006

DATE OF DECISION : 07.09.2006

Ranjit Kaur alias Guddi

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.K. Walia, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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Petitioner Ranjit Kaur alias Guddi, who is 40 years old lady, has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 91 dated 24.9.2005 under Section 302/34 IPC, registered at Police Station Joga, District Mansa. She is in custody since 3.10.2005.

2. I have heard counsel for the parties and gone through the contents of the FIR as well as order dated 28.2.2006, passed by Sessions Judge, Mansa, whereby bail application of the petitioner has been dismissed.

3. As per the prosecution version, the deceased Mithu Singh was having illicit relations with the petitioner. It has been alleged that one day before the occurrence, the complainant, who is father of the deceased Mithu Singh, advised his deceased son not to go to the house of the petitioner and also asked the petitioner and her husband to restrain the deceased from coming to their house. On the next day, one Niranjan Singh informed the complainant that dead body of his son Mithu Singh was lying near *kacha rasta Dhabawala khal* in front of the *Marri.* When the complainant reached near the dead body, he found that there was no mark of injury on the person

of Mithu Singh. He suspected that his son Mithu Singh has died after eating or drinking some poisonous substance. It was suspected that Maghar Singh and his wife (petitioner) might have administered some poisonous substance to the deceased, due to which he has died.

4. In this case, Niranjan Singh and other prosecution witnesses, namely Sat Pal Singh and Charanjit Singh, who alleged to have over heard the accused that they have committed the crime, and Banta Singh, the prosecution witness to prove the illicit relations of the deceased with the petitioner, have not supported the prosecution version. Counsel for the petitioner contends that in view of this fact, the petitioner, against whom there is no evidence, deserves to be released on regular bail. She is in custody since 3.10.2005. Counsel for the respondent-State has not disputed the aforesaid factual position.

5. In view of the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant bail to the petitioner. She is accordingly ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of the trial court.

6. Allowed.

September 07, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**